



17 JAN 2003

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In re Application of :
SONG, Gye Young :
Application No.: 09/914,055 :
PCT No.: PCT/KR99/00794 :
Int. Filing Date: 21 December 1999 :
Priority Date Claimed: None :
Attorney Docket No.: P/923-341 :
For: PISTON SUPPORTING STRUCTURE :
FOR LINEAR COMPRESSION :

DECISION

This decision is in response to applicant's "Request for Reconsideration of Decision on Petition for Earlier Filing Date" submitted 28 October 2002 which has been treated as a renewed petition under 37 CFR 1.181 and is hereby **DISMISSED**.

As previously indicated in the prior decision, applicant did not complete requirements under 35 U.S.C. 371(c)(4) for national stage entry until 16 January 2002 when they submitted an executed declaration in compliance with 37 CFR 1.497(a) & (b).

In this renewed petition, applicant asserts that "[a]s seen from the attached documents, the Patent Office constructively received all of the necessary filing papers by November 20, 2001." A review of the attached documents reveal a postcard receipt that is listed as being mailed on "11-20-01," but is stamped as received by the USPTO on 16 January 2002.

This situation is discussed in section 512 of the Eighth Edition of the Manual of Patent Examining Procedure (MPEP) explaining 37 CFR 1.8 which states, in part:

Under 37 CFR 1.8, a person may state on certain papers directed to the Office (exceptions are stated in 37 CFR 1.8), the date on which the paper will be deposited in the United States Postal Service or transmitted by facsimile. If the date stated is within the period for reply, the reply in most instances will be considered to be timely. This is true even if the paper does not actually reach the Office until after the end of the period for reply . . .

It should be noted, however, that the Office will continue its normal practice of stamping the date of receipt ("Office Date" Stamp) on all papers received through the mail or by facsimile except those filed under 37 CFR 1.10 (See MPEP § 513). The date stamped will also be the date which is entered on Office records and from which any subsequent periods are calculated.

Since applicants did not use Express Mail procedures pursuant to 37 CFR 1.10 with this correspondence, the 20 November 2001 date of deposit is not the date used when

determining when applicants complied with 35 U.S.C. 371(c) requirements. That date is the date of receipt by the USPTO. See 37 CFR 1.6.

This application is being forwarded to Technology Center 3700 for further processing.



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